

OGC Has Reviewed

DEP

STATINTL

TO: Deputy Director (Support)

SUBJECT: Proposed Project for Reference Work on Legal Problems
Peculiar to the Central Intelligence Agency

1. PROBLEM:

To develop and maintain an objective and authoritative analysis and reference work on the basic legal problems peculiar to CIA.

2. ASSUMPTIONS:

The Agency will continue to perform the covert functions assigned to it pursuant to law and National Security Council directives and will occupy its present position in the governmental structure.

3. FACTS BEARING ON THE PROBLEM:

Since the establishment of CIA, the Office of General Counsel has continuously attempted to solve the legal problems arising out of specific queries and activities. The accumulation of experience on specific questions has pointed up the fundamental legal problems of a unique nature arising out of the peculiar functions assigned to this Agency. There has resulted a considerable body of experience, know-how, and some precedents which in toto reflect a body of law having a direct bearing on the operations of the Agency and our relationships with other executive departments and the Congress. This body of law has not been collected into a specific reference work, and in great part, the specific opinions and treatment of fundamental problems are dependent to a large degree on the personal know-how of certain long-time members of the office.

4. DISCUSSION:

Some time ago this office believed it highly desirable to collect historical information and legal precedents relating to Confidential Funds. As a result, there was compiled and published in 1953 an historical study of the use of Confidential Funds. For information, a copy is attached as Tab A. The title is slightly a misnomer in that the pamphlet reflects many of the legal aspects of Confidential Funds. In addition, it reflects the continuing policies of the Agency

and its Directors, thereby establishing a body of precedent which in fact has become the internal law of the Agency relating to Confidential Funds. This pamphlet has been found extremely interesting by those who have had occasion to read it, and we believe it is a highly instructive and authoritative work on the subject. In substance, it is proposed that this pamphlet, with possible modifications, become one chapter of the proposed reference work. In a similar fashion, therefore, the proposed reference work will treat with various categories of problems of which a tentative outline is attached as Tab B. We do not wish to consider this outline final until further studies have been conducted.

The Contacts Office of OO made known to us recently that [] has indicated his desire in associating with some phase of the United States intelligence effort. [] interest arises in part from the fact that he is scheduled for a sabbatical at the close of the present school term. Without furnishing classified information, [] has been interviewed by this office. The substance of that interview is that we believe he would be an excellent man to undertake this project, and he has expressed an interest in doing it. There has not yet been discussed with him the question of compensation. It is our intention that he be engaged by an appropriate personal services contract for this purpose. It is our present belief that the project could be completed within one year at a maximum cost of []. The exact amount will be determined in appropriate negotiations between the Personnel Office and []. It may be possible to initiate the project prior to the close of the current fiscal year, in which event, no more than \$1,000 would be required, and the budget of this office has sufficient funds available.

The present and foreseeable workload of this office is such that this needed project cannot be undertaken by an attorney on the staff. In addition, a fresh and objective viewpoint, such as to be furnished by [] when blended with the accumulated experience within the office, will contribute to the expected usefulness and quality of the reference work.

5. **CONCLUSIONS:**

The completion of the proposed analysis and reference work will be of great assistance not only to this office, but to the Agency as a whole. [] is, in our opinion, a qualified person to undertake this work and will be available for it.

6. RECOMMENDATION:

That funds in a maximum amount of be approved for the purposes indicated herein.

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LAWRENCE R. HUNTON
General Counsel

Annexes - Tabs A & B

CONCURRENCES:

ACTION BY APPROVING AUTHORITY:

APPROVED:

9 MAR 1955

Assistant Director for Personnel

APR 23 1955

Date

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Comptroller

L. K. WHITE

Deputy Director (Support)

* If approved, funds can be made available for the proposed project. However, it appears to the Office of the Comptroller that the job can be accomplished quicker and more economically by an attorney employee of the Agency, preferably of course a member of the Office of General Counsel. This proposal would be an excellent training project for such an employee of the Agency; and from a long-range point of view, the Agency would reap greater benefits at much less cost or any other person from outside of the Agency, no matter how well qualified, will require considerable more briefing and will have to do much more study and research work than an employee of the Agency.

- 1 - OGC subject
- 1 - chrono

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TAB "B"

1. Basic immunity of CIA from laws other than that immunity based on Public Law 110 and Public Law 253.
 - a. As a constitutional matter based on the inherent powers of the Executive.
 - b. As a matter of statutory construction.
2. Criminal Laws (Cases and Theory)
 - a. Espionage laws.
 - b. Other criminal laws relating to mishandling of funds and property.
 - c. Laws pertaining to false information and statements.
3. Interrelationships of the three government departments with specific reference to disclosure of information.
 - a. CIA and the Congress
 - b. CIA and the Courts
4. Legal aspects of the security program for employees.
 - a. Section 102(c) of the National Security Act of 1947
 - b. The governmental program, Executive Order 10450.
 - c. Protection of the Agency and protection for employees
5. Legal aspects of Confidential Funds. (Complete with possible minor modifications).
6. Legal aspects of a CIA career service.
 - a. Security of tenure
 - (1) Veterans Preference Act
 - (2) Section 102(c) of the National Security Act
 - b. Career benefits
7. Impact of generally applicable laws pertaining to the entire Federal Government.
 - a. Federal Employees Compensation Act
 - b. Civil Service Retirement Act.

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- c. Annual and Sick Leave Act
 - d. Administrative Expenses Acts (PL 600).
 - e. Dual Compensation Laws.
 - f. Government Corporations Act
 - g. Internal Revenue Code
 - h. Overseas Allowances Act
8. Effect of Executive Orders on CIA

1. Missing Person Act ?

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